

ASSEMBLY BILL

No. 144

Introduced by Assembly Member Ma

January 22, 2009

An act to amend Section 1465.6 of the Penal Code, and to amend Sections 22511.57 and 42001.13 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 144, as introduced, Ma. Vehicles: distinguishing placards and special license plates.

(1) Existing law authorizes a local authority, as defined, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on streets or highways or in a disabled person's parking space at an offstreet parking facility within its jurisdiction when the vehicle displays a distinguishing placard issued to a disabled person or disabled veteran, and the records of the Department of Motor Vehicles indicate that the placard has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as being deceased for a period exceeding 60 days.

This bill, instead, would authorize a local authority, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on one of those areas in its jurisdiction when the vehicle displays that distinguishing placard, a temporary distinguishing placard, or a special license plate issued to a disabled person, disabled veteran, or specified organizations, and the records of the department indicate the placard or license plate has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported deceased for a period exceeding 60 days; the placard or license plate is

displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the placard or license plate was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or the placard or license plate is counterfeit, forged, altered, or mutilated. Because a violation of these provisions would be an infraction, the bill would impose a state-mandated local program.

(2) Existing law imposes specified fines on a person convicted of a first, second, third, or subsequent offense related to parking or leaving a vehicle without a distinguishing placard or special license plate in a parking space designated for disabled persons and disabled veterans, blocking access to those parking spaces, or parking or leaving standing a vehicle on the lines marking the boundaries of one of those parking spaces or in any area of the pavement adjacent to one of those parking spaces that is marked by crosshatched lines and is designated for the loading and unloading of vehicles parked in the parking space.

This bill, instead, would require a person convicted of one of those offenses or one of the offenses described in (1) to be punished by a fine of \$250 to \$750, regardless of whether the person previously had been convicted of the offense.

(3) Existing law requires an additional assessment equal to 10% of the fine, penalty, or forfeiture imposed under specified provisions of the Vehicle Code to be imposed by each county for a violation of specified provisions of the Vehicle Code.

This bill would require the additional assessment to also be imposed for a fine, penalty, or forfeiture for a violation described in (1).

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1465.6 of the Penal Code is amended to
- 2 read:
- 3 1465.6. In addition to ~~any~~ *an* assessment levied pursuant to
- 4 Section 1465.5 of this code, or any other law, an additional

1 assessment equal to 10 percent of the fine, penalty, or forfeiture
2 imposed under Section 42001, 42001.5, or 42001.13 of the Vehicle
3 Code shall be imposed by each county for a violation of Section
4 22507.8, 22511.57, or 22522 of the Vehicle Code. An assessment
5 imposed pursuant to this section shall be deposited in the general
6 fund of the city or county wherein the violation occurred.

7 SEC. 2. Section 22511.57 of the Vehicle Code is amended to
8 read:

9 ~~22511.57. Local authorities~~ *A local authority* may, by ordinance
10 or resolution, prohibit or restrict the parking or standing of a vehicle
11 on streets or highways or ~~from~~ *in* a disabled person's parking stall
12 or space of a privately or publicly owned or operated offstreet
13 parking facility within ~~their~~ *its* jurisdiction when the vehicle
14 displays, in order to obtain special parking privileges, a
15 distinguishing placard *or special license plate*, issued pursuant to
16 Section 5007, 22511.55, *or 22511.59*, and ~~the record of the~~
17 ~~Department of Motor Vehicles for the identification number~~
18 ~~assigned to the placard indicates that the placard has been reported~~
19 ~~as lost, stolen, surrendered, cancelled, revoked, or expired, or was~~
20 ~~issued to a person who has been reported as being deceased for a~~
21 ~~period exceeding 60 days; any of the following conditions are met:~~

22 (a) *The records of the Department of Motor Vehicles for the*
23 *identification number assigned to the placard or license plate*
24 *indicate that the placard or license plate has been reported as lost,*
25 *stolen, surrendered, canceled, revoked, or expired, or was issued*
26 *to a person who has been reported as deceased for a period*
27 *exceeding 60 days.*

28 (b) *The placard or license plate is displayed on a vehicle that*
29 *is not being used to transport, and is not in the reasonable*
30 *proximity of, the person to whom the license plate or placard was*
31 *issued or a person who is authorized to be transported in the*
32 *vehicle displaying that placard or license plate.*

33 (c) *The placard or licence plate is counterfeit, forged, altered,*
34 *or mutilated.*

35 SEC. 3. Section 42001.13 of the Vehicle Code is amended to
36 read:

37 42001.13. (a) A person convicted of an infraction for a
38 violation of Section 22507.8 *or 22511.57* shall be punished ~~as~~
39 ~~follows:~~ *by a fine of not less than two hundred fifty dollars (\$250)*
40 *and not more than seven hundred fifty dollars (\$750).*

1 ~~(1) A fine of not less than two hundred fifty dollars (\$250) and~~
2 ~~not more than five hundred dollars (\$500) for the first offense.~~

3 ~~(2) A fine of not less than five hundred dollars (\$500) and not~~
4 ~~more than seven hundred fifty dollars (\$750) for the second offense.~~

5 ~~(3) A fine of not less than seven hundred fifty dollars (\$750)~~
6 ~~and not more than one thousand dollars (\$1,000) for three or more~~
7 ~~offenses.~~

8 (b) The court may suspend the imposition of the fine if the
9 person convicted possessed at the time of the offense, but failed
10 to display, a valid special identification license plate issued
11 pursuant to Section 5007 or a distinguishing placard issued
12 pursuant to Section 22511.55 or 22511.59.

13 (c) A fine imposed under this section may be paid in installments
14 if the court determines that the defendant is unable to pay the entire
15 amount in one payment.

16 SEC. 4. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.